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First National Bank of Williamson

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

FIRST NATIONAL BANK OF
WILLIAMSON, a chartered U.S.
national bank,

Plaintiff,

V.

ST. PAUL MERCURY INSURANCE
COMPANY, a Connecticut insurance
company.

Defendant.

Case No. 2:18-cv-00900

**STIPULATION AND REQUEST
FOR DISMISSAL WITHOUT
PREJUDICE**

1 ST. PAUL MERCURY INSURANCE
2 COMPANY, a Connecticut insurance
3 company,
4 Counterclaimant,
5 v.
6 FIRST NATIONAL BANK OF
7 WILLIAMSON, a chartered U.S.
8 national bank,
9 Counter-Defendant.

1 **IT IS HEREBY STIPULATED AND AGREED TO** among Plaintiff and
2 Counterdefendant, First National Bank of Williamson (“FNB”), and Defendant and
3 Counterclaimant, St. Paul Mercury Insurance Company (“St. Paul”), through their
4 designated counsel, that: (a) pursuant to FRCP 41(a), the Complaint and the
5 Counterclaim in the captioned matter be, and hereby are, dismissed without
6 prejudice as to all claims; (b) no award of attorneys’ fees or costs, or of expert fees
7 or costs is made in favor of either FNB or St. Paul in this matter; and (c) the Court
8 shall retain continuing exclusive jurisdiction to enforce the terms of the Contingent
9 Settlement Agreement and Mutual Release.

10 || IT IS SO STIPULATED.

11 || Dated: February 25, 2019

Respectfully submitted,

SCHULZ & SCHULZ, P.C.

15 By: /s/ Harry J. Schulz, III
16 Harry J. Schulz, III
17 Attorneys for Plaintiff and
Counterdefendant
First National Bank of Williamson

19 | Dated: February 25, 2019

LOSS, JUDGE & WARD, LLP

21 By: /s/ Thomas J. Judge
22 Thomas J. Judge
23 Attorneys for Defendant and
24 Counterclaimant St. Paul Mercury
Insurance Company

ATTESTATION

Pursuant to Civil Local Rule 5-4.3.4(a)(2)(i) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

5 || Dated: February 25, 2019

SCHULZ & SCHULZ, P.C.

By: */s/ Harry J. Schulz, III*

Harry J. Schulz, III
Attorneys for Plaintiff and
Counterdefendant
First National Bank of Williamson